

**REMARKS**

In response to the Office Action mailed April 9, 2004, each one of the cited references has been reviewed, and the rejections and objections made to the claims by the Examiner have been considered. The claims presently on file in the above-identified application are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

In order to render the claims more clear and definite, and to emphasize the patentable novelty thereof, claims 2, 5, 9, 10, 12-15 and 20 have been amended, claim 1 has been cancelled without prejudice and new claims 21-25 have been added

**New Claims**

New independent claim 21 and dependent claims 22-25 have been added. New independent claim is similar to claim 20 as amended which is in condition for immediate allowance. New claim 21 however, is much broader in scope than claim 20 as amended but is still considered in condition for immediate allowance since it recites the same subject matter the Examiner stated in his reasons for allowance of the claims now pending before the Examiner.

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

**Specification and Drawing Corrections**

1. The examiner has objected to the drawings. Responsive to this objection, attorney for applicant has submitted a substitute sheet 2/6 to show that the securing arrangement 22 can be attached to tube 50. Approval of the examiner is requested in

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consistent with the claims (specification) as originally filed and no new matter is being introduced.

2. The examiner has objected to the Abstract for contain greater than 150 words. Responsive to this objection, a new Abstract is provided having 150 words and which reflects the features and steps that the examiner has found allowable over the prior art.

3. The examiner further objected to the specification for not providing an antecedent basis for the claimed subject matter in claim 11. Accordingly, to provide the antecedent basis within the main body of the specification, paragraph 051 has been amended to provide an antecedent basis for the claimed subject matter of claim 11.

#### **Claim Objections**

1. Claims 2-15 have been objected to since there is an inconsistency from their dependency from claim 1. Responsive to this objection, claims 2, 5, 9, 10 and 12-15 have been amended to depend from new claim 21 which recite a fluid delivery system as opposed to a cannula system, thereby removing the inconsistency.

2. Claim 9 was objected to, as it was unclear to the Examiner whether claim 9 should depend from claim 11. Responsive to this objection, claim 9 has been amended to depend from new claim 21 rather than claim 11.

3. Claim 19 was objected to and was considered by the Examiner as having an extension tube with its distal end plug and another extension tube with a proximal end adapted to be connected to a source of air. Responsive to this objection, claim 19 has

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been amended to be consistent with the interpretation given by the examiner.

### **Allowed and Allowable Claims**

Attorney for applicant gratefully acknowledges that the examiner has allowed claims 16-19 and found that claims 20 to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response to finding that claim 20 would be allowable, attorney for applicant has rewritten claim 20 in independent form to include base claim 1. Therefore claim 20 is now in condition for allowance as well.

Attorney for applicant has further amended claims 2, 5, 9, 10, 12, 13, 14, and 15, to depend from claim new claim 21. Accordingly, claims 2-15 are also now in condition for immediate allowance since claim 21 recites "a nasal cannula coupled between a pair of extension tubes, wherein one of said extension tubes is blocked at a distal end thereof and wherein the other one of the extension tubes is adapted to be coupled to a fluid supply," which is similar to claim 20, which the Examiner has stated that "the prior art of record does not teach nor render obvious the overall claimed combination of a cannula system wherein a stop is disposed at a distal end of one of the pair of slider extension tubes and wherein the other one of the pair of extension tubes has a distal end adapted to be coupled to a fluid source." Based on the foregoing, claims 2, 5, 9-10, and 12-15 are now in condition for immediate allowance and such action is earnestly requested.

### **Conclusion**

Attorney for Applicant has carefully reviewed each one of the cited references

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made of record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.


Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Jerry R. Potts, Esq. at the below-listed telephone number.

Dated: June 10, 2004

Respectfully submitted,

Law Office of Jerry R. Potts

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